

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
v.                            ) CAUSE NO.: 2:12-CR-61-PPS-PRC  
                                )  
                                )  
JEREMY L. CULVER,         )  
Defendant.                  )

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE  
UPON HEARING ON MENTAL COMPETENCY**

TO: THE HONORABLE PHILIP P. SIMON,  
UNITED STATES DISTRICT COURT

This matter is before the Court on an Order [DE 72], entered by presiding Chief Judge Philip P. Simon on November 4, 2014, referring this matter for a hearing to determine the mental competency of Defendant Jeremy L. Culver to stand trial.

On August 6, 2014, Judge Simon entered an order setting this matter for a determination of mental competency of the Defendant. The order committed the Defendant to the custody of the United States Attorney General or his designated representative for placement in a suitable facility closest to this Court for examination by a licensed or certified psychiatrist or psychologist. The examination was intended to determine whether there is reasonable cause to believe that the Defendant may at the time of the examination be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. The Court further ordered the appropriate authorities of the facility to render a written report with respect to the Defendant's mental condition pursuant to 18 U.S.C. § 4247(c).

David M. Szyhowski, Psy.D. evaluated Defendant at the Federal Bureau of Prisons Metropolitan Correctional Center in Chicago, Illinois. On October 10, 2014, Dr. Szyhowski issued a Forensic Report, which the Court received on October 24, 2014.

On November 14, 2014, the Court held a competency hearing. Defendant appeared at the hearing with counsel Adam Tavitas. The Government appeared at the hearing by Assistant United States Attorney Jill Koster. The Court reviewed the Forensic Report. All parties have a copy of the Forensic Report.

Based on the forensic report, the Court **RECOMMENDS** that Judge Simon find that Defendant is competent to stand trial. Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days. 28 U.S.C. § 636(b)(1).

So ORDERED this 14th day of November, 2014

s/ Paul R. Cherry  
MAGISTRATE JUDGE PAUL R. CHERRY  
UNITED STATES DISTRICT COURT

cc: All counsel of record